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Implementation of Security Council resolution 1559 (2004)

Twenty-eighth semi-annual report of the Secretary-General

1. The present report is the twenty-eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004). It provides a review and an assessment of the implementation of the resolution since the issuance of my previous report on the subject, on 21 May 2018 (S/2018/480), and covers developments up to 28 September 2018.

I. Implementation of resolution 1559 (2004)

2. Since the adoption of resolution 1559 (2004) by the Security Council on 2 September 2004, limited progress has been made in its implementation and a number of provisions, including with respect to the existence and activities of Lebanese and non-Lebanese militias, remain pending.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

3. Through the adoption of resolution 1559 (2004), the Security Council sought to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country, in accordance with the Taif Accords of 1989, to which all the political parties in Lebanon had committed themselves. That objective has remained the priority of my efforts.

4. Following the parliamentary elections held in Lebanon on 6 May 2018, the new Parliament, at its first session, on 23 May, re-elected Nabih Berri, of the Amal Movement, as Speaker for the sixth time, with 98 votes out of 128. On the same day, the Parliament elected Elie Ferzli, who is allied with the Free Patriotic Movement, as Deputy Speaker, with 81 votes. Mr. Ferzli replaced Farid Makari of the Future Movement, who had served as Deputy Speaker since 2005.

5. Saad Hariri was nominated as Prime Minister-designate on 24 May after consultations between the President of Lebanon, Michel Aoun, and Members of Parliament, during which 111 of them expressed their support for Mr. Hariri to become Prime Minister. In a speech that day, the Prime Minister-designate stated that all large parliamentary blocs agreed on "the need to form a national entente Government as soon as possible", adding that "the new Government is required to

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continue to stabilize political stability, strengthen State institutions and reinforce the economy". He further stated that the Government was expected to "consolidate the commitment to the policy of disassociation and establish the best relations with the Arab brothers".

6. Since then, the Prime Minister-designate has conducted parliamentary consultations aimed at forming a Government, which are ongoing as at the time of reporting. The challenges around government formation ostensibly relate to a lack of agreement among political forces on the allocation and distribution of key government portfolios.

7. Lebanese leaders have publicly reiterated the country's commitment to the disassociation policy. Most recently, in a television interview on 31 August, the Prime Minister-designate stated that "we need Lebanon to stay in a position where it doesn't take any stance, and this is where we came with a policy of disassociation". In a press conference with the Chancellor of Germany, Angela Merkel, held on 22 June, he stated that the next Government would maintain its commitment to the disassociation policy. The President of Lebanon also reiterated the country's commitment to the disassociation policy, most recently on 21 September, reportedly stating in an interview that "Lebanon refuses to meddle in the internal affairs of any country; we hold on to the dissociation policy pertaining to the conflicts jolting the region, especially in Syria". Noting that Hizbullah's intervention in the Syrian Arab Republic was condemned by some, he reportedly stated that Hizbullah was "defending the lands" against terrorist attacks.

8. In a speech on 19 September on the eve of Ashura', Hizbullah Secretary-General, Hassan Nasrallah, stated: "We should not disassociate ourselves because what is happening in the region will determine the fate of the region and Lebanon. We agree that the Government should disassociate itself, but political forces are not disassociating themselves."

9. The number of registered refugees from the Syrian Arab Republic hosted by Lebanon totalled 976,002 as at 31 July 2018. Returns of individuals and small groups of Syrian refugees continued, mostly facilitated by the General Directorate of General Security of Lebanon. Although not involved in the organization of these returns, the Office of the United Nations High Commissioner for Refugees coordinates with the General Directorate to support the returning refugees in obtaining their civil documents and education certificates, to address other issues critical for their re-establishment in the Syrian Arab Republic and to be present at each departure point.

10. In its resolution 1680 (2006), the Security Council strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request made by the Government of Lebanon to delineate their common border. This remains critical to enable proper border control and management, including the movement of people and the potential movement of arms.

11. The delineation and demarcation of the boundaries of Lebanon also remain elements essential to guaranteeing national sovereignty and territorial integrity. While border delineation is a bilateral matter, progress on the issue remains an obligation for Lebanon and the Syrian Arab Republic, in accordance with resolution 1680 (2006).

12. As stated in my report of 13 July 2018 on the implementation of Security Council resolution 1701 (2006) (S/2018/703), the Lebanese Armed Forces continued to deploy land border regiments and construct border observation posts along the border with the Syrian Arab Republic. On 29 May, the Central Training Centre for border security was inaugurated at Rayak Air Base, in the Biqa' Valley, as part of the

technical assistance project entitled "Enhanced capability for integrated border management in Lebanon", funded by the European Union. There were no reports of cross-border incidents on the eastern and northern borders during the reporting period. Unconfirmed reports of smuggling continued, however.

13. Israel continued to occupy the northern part of the village of Ghajar and an adjacent area north of the Blue Line, in violation of the sovereignty of Lebanon and resolutions 1559 (2004) and 1701 (2006).

14. There was no progress in relation to the issue of the Shab'a Farms area. Furthermore, neither the Syrian Arab Republic nor Israel has responded to the provisional definition of the area contained in my report of 30 October 2007 on the implementation of resolution 1701 (2006) (S/2007/641).

15. Unmanned aerial vehicles and fixed-wing aircraft, including fighter jets, of the Israel Defense Forces continued to make almost daily overflights of Lebanon during the reporting period, in violation of Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). In identical letters addressed to me and the President of the Security Council dated 29 May 2018 (A/72/887-S/2018/517), the Permanent Representative of Lebanon to the United Nations stated: "On 22 May 2018, an Israeli warplane violated Lebanese airspace and circled over the city of Beirut. The Israeli Government flaunted that violation by displaying photographs of the combat aircraft on 22 May 2018 at a conference of air force commanders held in Israel." The Permanent Representative expressed the condemnation of Lebanon of the violation and called upon the Security Council "to condemn this hostile action" and "to take all measures needed to deter Israel from continuing to commit serious violations of the sovereignty and territorial integrity of Lebanon".

16. The Special Tribunal for Lebanon held closing arguments in the case of *The Prosecutor v. Ayyash et al.* between 11 and 21 September. Against that backdrop, in a speech on 26 August, Hizbullah Secretary-General Hassan Nasrallah cautioned what he said were political forces betting on the verdict of the Tribunal not to "play with fire". In response, at the end of a meeting of the Future Movement parliamentary bloc held on 28 August, chaired by the Prime Minister-designate, the bloc issued a communiqué stating that it considered that achieving justice for the assassination of Rafic Hariri was "not subject to any threat of intimidation". After attending the opening of the final hearings in The Hague on 11 September, the Prime Minister-designate stated that "Rafic Hariri was not a man of revenge but of justice and we will continue on this path", insisted on the stability and security of Lebanon and pledged to deal with the verdict of the trial "as a responsible official who has the responsibility to protect the country and the Lebanese people".

B. Extension of control of the Government of Lebanon over all Lebanese territory

17. The Government of Lebanon continued its efforts to extend the authority of the State throughout all the Lebanese territory, as called for in the Taif Accords and in resolution 1559 (2004). The Lebanese Armed Forces remained at the forefront of such efforts. Yet, that endeavour continued to be challenged.

18. The Lebanese Armed Forces and other security forces continued to confront threats to the country's security. On 22 May, armed clashes between the Lebanese Armed Forces and a group of wanted individuals in the northern city of Tripoli left one soldier killed and eight others injured.

19. Insecurity in Baalbek-Hirmil Governorate, including as a result of the possession of unauthorized weapons by individuals, posed renewed challenges to the

exercise of State authority during the reporting period and prompted the Lebanese Armed Forces to step up their operations in the Biqa' Valley area. On 31 May, in response to a request from the caretaker Minister of the Interior, Nohad Machnouk, the President of Lebanon reportedly pledged to "hold intensive meetings with political and security leaders to put an end to chaos in the Baalbek-Hirmil region as soon as possible". As noted in my report on the implementation of resolution 1701 (2006) (S/2018/703), two persons were killed and five injured in a family dispute in Baalbek. In response, on 21 June, the Lebanese Armed Forces reportedly started to patrol the city of Baalbek and to set up mobile checkpoints across the city and in the vicinity of Ras al-Ain, arresting one suspect. On 26 June, the President pledged that the security measures would be "accompanied by an integrated development work consistent with the economic and social needs of the region". He added that at its previous session, the Higher Defence Council had adopted a series of sequenced measures that were being implemented progressively. On 19 July, two centres of the General Directorate of General Security were inaugurated in the Biqa' Valley. On that occasion, the Director General of the Directorate, General Abbas Ibrahim, reportedly stated that he was confident in the success of the security plan for the area.

20. On 23 July, eight individuals were reportedly killed, including a local drug dealer, Ali Zaid Ismail, and six injured in raids conducted by the Lebanese Armed Forces in Hammoudieh in the Biqa' Valley, while several Lebanese and Syrian nationals were apprehended over possession of drugs and arms. There had been a long-standing arrest warrant against Ali Zaid Ismail. The operation was part of a new security plan, primarily an anti-drug plan, that the Lebanese Armed Forces were enforcing in the area of Baalbek-Hirmil. During a raid carried out in Al-Hirmil in search of wanted individuals on 25 September, a soldier from the Lebanese Armed Forces was killed and several others were wounded.

21. The Lebanese Armed Forces also continued to arrest individuals allegedly affiliated with or supporting extremist groups. On 10 September, the Internal Security Forces apprehended two individuals reportedly planning terrorist attacks in Beirut's southern suburbs, as well as planning to kill members of the Lebanese Armed Forces.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

22. In its resolution 1559 (2004), the Security Council called for the disbanding and disarmament of all Lebanese and non-Lebanese militias, a key provision of the resolution that has yet to be implemented. The provision reflects and reaffirms a decision to which all Lebanese committed themselves in the Taif Accords.

23. Lebanese and non-Lebanese militias within the country continued to operate outside the control of the Government, in violation of resolution 1559 (2004). While several groups across the political spectrum in Lebanon possess weapons outside government control, Hizbullah is the most heavily armed militia in the country. In a democratic State, it remains a fundamental anomaly that a political party maintains a militia that has no accountability to the democratic, governmental institutions of the State but has the power to take that State to war. The self-acknowledged maintenance of arms by Hizbullah and other groups and the alleged increase by Hizbullah of its arsenal pose a serious challenge to the State's ability to exercise full sovereignty and authority over its territory. In a speech on 20 September, Hizbullah Secretary-General Hassan Nasrallah claimed for the first time that "the resistance owns enough precision (accurate) and non-precision (non-accurate) missiles and armament capabilities that if Israel imposes a war on Lebanon, Israel would face a fate and a reality it never expected". In addition, several Palestinian armed groups continued to operate in the country, inside and outside the Palestine refugee camps.

24. There has been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in the Taif Accords and resolution 1559 (2004). Since the adoption of that resolution, no specific steps have been taken to tackle that crucial issue, which lies at the heart of the sovereignty and political independence of Lebanon. The maintenance by Hizbullah of a military arsenal outside of a legal framework and its involvement in the Syrian Arab Republic continued to be denounced by a number of voices in Lebanon, who consider those issues to be destabilizing factors in the country and ones that undermine democracy. Many Lebanese see the continued presence of such arms as an implicit threat that the weapons could be used within Lebanon for political reasons.

25. The participation of Hizbullah and other Lebanese in the conflict in the Syrian Arab Republic continued to breach the policy of disassociation and the principles of the Baabda Declaration. As noted in my report on the implementation of resolution 1701 (2006) (S/2018/703), on 6 June, Speaker Nabih Bérri said that Hizbullah would only withdraw once "Syria is liberated and its territories are united". In a speech on 8 June, Hizbullah Secretary-General Nasrallah stated that Hizbullah was present in the Syrian Arab Republic on the basis of a request by the Syrian leadership, and that it would withdraw only at the request of the Government of the Syrian Arab Republic, a point he reiterated in his speech of 19 September.

26. On 19 August, Hizbullah Secretary-General Nasrallah reportedly met a delegation of Yemeni Houthis led by its spokesperson, Mohammad Abdul Salam. In a letter dated 24 August 2018 addressed to the President of the Security Council (S/2018/595), the Permanent Representative of Yemen to the United Nations, referencing the meeting, expressed his concern at, inter alia, Hizbullah's "transfer of advisers and military instructors to the Houthi coup" as posing "a serious regional and global threat", and asked the Council, through the Security Council Committee established pursuant to resolution 2140 (2014), "to investigate, within its mandate, Hizbullah's activities that pose a serious threat to Yemen and to take appropriate measures". In an interview with a Russian television channel on 20 August following a meeting with the Minister for Foreign Affairs of the Russian Federation, Sergey Lavrov, the caretaker Minister for Foreign Affairs of Lebanon, Gebran Bassil, responding to a question about the alleged meeting between Hizbullah and the Houthis, stated that "as Foreign Minister, I am compelled to express Lebanon's official position, which is disassociation", adding that Lebanon did not "support interference in Yemen's affairs".

27. Against the backdrop of a reported Israeli air strike over the Syrian Arab Republic on 17 September and the subsequent downing of a Russian aircraft by Syrian anti-aircraft fire, resulting in the death of 15 Russian personnel, the Israel Defense Forces acknowledged on 18 September to have "targeted [overnight] a facility of the Syrian Armed Forces from which systems to manufacture accurate and lethal weapons were about to be transferred on behalf of Iran to Hizbullah in Lebanon".

28. In a speech on 9 May 2018 congratulating Lebanese citizens for the parliamentary elections, the President of Lebanon reiterated his intention to develop "a defensive strategy that organizes the defence of the homeland and preserves its sovereignty and territorial integrity" and that would "complete the implementation of the Taif agreement". After a meeting with the Assistant Secretary of Defence for International Security Affairs of the United States of America, Robert Karem, on 23 August, the President reiterated his "intention to call for a national dialogue on the defence strategy once the formation of the new Government is completed". On 25 September, the Lebanese Parliament ratified the Arms Trade Treaty. The multilateral treaty regulates the international trade and transfer of conventional weapons, with a focus on enhancing the responsibility of Governments, including to

prevent the illicit transfer of arms in Lebanon and illegal circulation of weapons outside of State control.

29. The security situation in the Palestine refugee camps remained relatively calm during the reporting period, with a smaller number of armed clashes relative to previous reporting periods. On 25 June, the Lebanese Army Command announced in a communiqué that it had removed the electronic gates it had previously installed at the entrances of the Ein El Helweh and Mieh Mieh refugee camps on 10 June, which had triggered protests. On 26 June, a suspected drug dealer was reportedly killed during drug-related clashes in Ein El Helweh. In the Mieh Mieh camp, a man apprehended by the Ansar Allah group on suspicion of an attempt on the life of the group's leader was found hanged in the group's headquarters on 22 July, leading to increased tensions. On 15 September, the situation in the Ein El Helweh camp escalated significantly after one person was killed by the son of Bilal Abu Arqub, the leader of an extremist group. Tensions increased when the suspect, who sought refuge in the Islamist-controlled section of the camp, refused to surrender to national authorities.

30. The handover of some individuals from Palestine refugee camps wanted by the Lebanese authorities continued during the reporting period. On 30 July, one of the supporters of militant Salafist sheikh Ahmad al-Assir who had fled to the Ein El Helweh camp after clashes between the sheikh's supporters and the Lebanese Armed Forces in 2013, as highlighted in my report of 16 October 2013 (S/2013/612), surrendered to the Lebanese army intelligence. On 12 August, the Palestinian factions at the Mieh Mieh camp handed over to the Lebanese Armed Forces several camp residents who were reportedly wanted for involvement in armed clashes in the camp. On 19 September, the Lebanese Armed Forces stated that it had arrested an individual in Ein El Helweh camp "for belonging to the terrorist organization Abdullah Azzam Brigades and for his relation with the two suicide bombers who targeted the Iranian embassy in Bir Hassan" in 2013 (see S/2014/296).

31. The presence of Palestinian armed groups outside the camps also continued. Notwithstanding the decision taken in 2006 in the context of the national dialogue, and confirmed at subsequent sessions, to disarm Palestinian militias outside the camps within a six-month period, no progress was made during the reporting period with regard to dismantling the military bases of the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada in the country.

32. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) continued its efforts to deliver essential health, education, relief and social services to Palestine refugees in Lebanon, in the face of serious funding shortfalls. I attended the UNRWA pledging conference held in New York on 25 June, where donors expressed strong support for ensuring the continuity of the Agency's work. The United States decided on 31 August to stop all of its funding to the Agency. Additional commitments were secured at the ministerial meeting held in New York on 27 September, which I attended, and at which strong support for the Agency's work was also reiterated. As of September 2018, the overall shortfall in the Agency's budget has been reduced to $64 million.

II. Observations

33. Almost five months have passed since Saad Hariri was nominated as Prime Minister-designate. While I take note of the continued efforts to form a new Government, all concerned must step up their efforts to reach an agreement expeditiously. This is also necessary in order to seize opportunities to advance the priorities set forth by Lebanon and the international community at the high-level

conferences earlier in 2018 in Rome, Paris and Brussels. Once a new Government is formed, I encourage Lebanese leaders to give due consideration to the principles articulated by the International Support Group for Lebanon adopted at its ministerial meeting of 8 December 2017, as well as the outcome documents of the high-level international conferences and relevant Security Council resolutions, as a basis for the international community's steadfast partnership with Lebanon.

34. The widespread presence of weapons outside the control of the State, combined with the existence of heavily armed militias, continues to undermine security and stability in Lebanon. The maintenance by Hizbullah of sizeable and sophisticated military capabilities outside the control of the Government of Lebanon remains a matter of grave concern. I note with concern the claim by Hassan Nasrallah that Hizbullah possesses precision weapons. I reiterate my calls for all concerned to contribute to efforts to reinforce the institutions of the Lebanese State. I call again upon Hizbullah and all other parties concerned not to engage in any military activity inside or outside Lebanon, consistent with the requirements of the Taif Accords and resolution 1559 (2004). It is critical that the Accords be preserved and implemented by all to avoid the spectre of a renewed confrontation among Lebanese citizens and to strengthen the institutions of the State. The Lebanese State should increase its efforts to achieve a monopoly over the possession of weapons and the use of force throughout its territory. I continue to urge the Government and the armed forces of Lebanon to take all measures necessary to prohibit Hizbullah and other armed groups from acquiring weapons and building paramilitary capacity outside the authority of the State, in violation of resolution 1559 (2004).

35. I welcome the renewed commitment of the President of Lebanon to develop a national defence strategy once a Government is formed. This, among other pressing matters, highlights the need for a Government to be formed soon. I reiterate my earlier encouragement to the President to spearhead a renewed dialogue on a national defence strategy and to political leaders to support him in that endeavour. It is time for Lebanon to resume the national dialogue as a Lebanese-led and Lebanese-owned process, in line with the country's international obligations. A national dialogue should address the need to achieve a State monopoly over the possession and use of weapons and the use of force.

36. The renewed commitment by the President, the Prime Minister-designate and the Minister for Foreign Affairs to the policy of disassociation is an important signal that the policy remains the core tenet of Lebanon in its approach to conflicts in the region. At the same time, Lebanon needs to ensure that these commitments are turned into deeds. Hizbullah's engagement in the conflict in the Syrian Arab Republic is not only in breach of the disassociation policy and the principles of the Baabda Declaration of 2012, but also carries a risk of entangling Lebanon in the regional conflicts and poses risks to the stability of Lebanon and of the region. The involvement of Hizbullah in the Syrian Arab Republic for several years demonstrates the failure of Hizbullah to disarm and its refusal to be accountable to the State institutions that the implementation of resolution 1559 (2004) was intended to strengthen.

37. I continue to be concerned by the reported involvement of Hizbullah, as well as that of other Lebanese elements, in fighting elsewhere in the region. In particular, I note the allegations by the Government of Yemen about Hizbullah's involvement in the conflict there. I call upon countries in the region that maintain close ties with Hizbullah to encourage the transformation of that armed group into a solely civilian political party, and its disarmament, in accordance with the requirements of the Taif Accords and resolution 1559 (2004), in the best interests of Lebanon and of regional peace and security.

38. I condemn all violations of the sovereignty and territorial integrity of Lebanon. They also undermine the credibility of the Lebanese security institutions and generate anxiety among the civilian population. I reiterate that the overflights of Lebanese airspace by Israeli military aircraft are violations of Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). I renew my calls for Israel to adhere to its obligations under relevant Security Council resolutions and to withdraw its forces from the northern part of the village of Ghajar and an adjacent area north of the Blue Line, as well as to cease immediately its overflights of Lebanese airspace.

39. The absence of shooting, shelling, air strikes, rocket attacks and incursions from the Syrian Arab Republic during the reporting period is noteworthy. This presents a renewed opportunity for the Syrian Arab Republic and Lebanon to make progress in the delineation of their common border, in respect of the sovereignty and territorial integrity of Lebanon. This is critical to enabling proper border control and management, including the movement of people and the potential movement of arms. I call upon all concerned to cease violations of the border and to respect the sovereignty and territorial integrity of Lebanon.

40. I have previously noted that it is in the interest of Lebanon and in line with its obligations under international law to ensure that those behind terrorist acts, including political assassinations, are held accountable and that violence is not committed with impunity. I note the continued work of the Special Tribunal for Lebanon, which sends a clear message that impunity will not be tolerated.

41. I appreciate the efforts of Lebanon aimed at extending its authority throughout its territory, including through renewed efforts to address the insecurity in the Biqa' Valley. I welcome the Biqa' security plan and encourage all security services to work together to address the continued challenges in the area. I also encourage the Lebanese State to continue its efforts to extend other State services throughout its territory.

42. The support displayed by 34 donor countries and organizations present at the ministerial meeting of 27 September in support of UNRWA has been a relief and has raised hopes that UNRWA will be able to continue its critical functions. In Lebanon, UNRWA services and contributions are vital to the dignity and security of Palestine refugees. The deficit in UNRWA funding, however, persists and threatens the continued delivery of assistance by the Agency. I encourage other donor countries to come forward with additional funding for the Agency, which remains a key factor for stability in the Palestine refugee camps and the region. Such efforts are without prejudice to the need for the just resolution of the Palestine refugee question in the context of a comprehensive settlement in the region.

43. The international community has continued to support Lebanon as the country persists with efforts to make steady progress towards restoring its institutions to their full functioning. Forming a Government, a key next step in that process, is within reach, but it requires Lebanese political decision makers to demonstrate leadership and prioritize national interests and needs. I count on the continued commitment of the Government of Lebanon to its international obligations, and I call upon all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). The United Nations will continue its efforts towards the full implementation of those and all other resolutions pertaining to Lebanon.